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EXAMINER
VO, HUYEN X

ART UNIT	PAPER NUMBER
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DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 November 2001</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-54</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-54</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>29 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>1/25/02</u>.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-4, 6, 8-9, 14, 16-19, 21, 23, 28-32, 34, 36-39, 41, 43-46, 48, and 50-53

are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (US Patent No.

5909023).

3.   Regarding claim 1, Ono et al. disclose a method for providing a user an interface

to a voice application, the method comprising the steps of:

providing a user with an interface to access the application and to invoke one of

a plurality of application services (*input unit 222 in figure 1*);

selecting an application service for the user, without the user requesting said

application service, as a function of information representative of the user's past access

to the application (*col. 4, ln. 18 to col. 5, ln. 67*); and

providing the selected application service to the user (*col. 4, ln. 34-57*).

4.   Regarding claim 16, Ono et al. disclose an apparatus for providing a user an

interface to a voice application, the apparatus comprising:

a server having a processor and associated memory (*server 210 in figure 2*),

wherein the server includes:

means for providing a user with an interface to access the application and

to invoke one of a plurality of application services (*input unit 222 in figure 1*);

means for selecting an application service for the user, without the user

requesting said application service, as a function of information representative of

the user's past access to the application (*col. 4, ln. 18 to col. 5, ln. 67*); and

means for providing the selected application service to the user (*col. 4, ln.

34-57*).

5.   Regarding claims 29, 36 and 43, Ono et al. disclose a method, apparatus, and an

article manufacturer, comprising a computer readable medium having computer

readable program code for providing a user an interface to a voice application, the

method, apparatus, and computer readable program code comprising:

providing a user with an interface to access the application and to invoke one of

a plurality of application services (*input unit 222 in figure 1*);

obtaining and storing information about a plurality of application services invoked

by the user (*col. 4, ln. 18 to col. 5, ln. 67*);

analyzing the information about a plurality of application services invoked by the user to determine a pattern of usage of one or more available application services (*col. 4, ln. 18 to col. 5, ln. 67*);

selecting for the user an application service based upon the pattern of usage (*col. 4, ln. 18 to col. 5, ln. 67*); and

providing the selected application service to the user (*col. 4, ln. 34-57*).

6.   Regarding claims 2-4 and 17-19, Ono et al. further disclose a method and apparatus according to claims 1 and 16, wherein the information representative of the user's past access to the application includes an identifier associated with a service provided by the application (*element 101 in figure 1*), wherein the information representative of the user's past access to the application includes a time that the user requested the service (*col. 5, ln. 1 to col. 6, ln. 67*), and wherein the information representative of the user's past access to the application includes a date that the user requested the service (*col. 5, ln. 1 to col. 6, ln. 67*).

7.   Regarding claims 6 and 21, Ono et al. further disclose a method and apparatus according to claims 1 and 16, wherein the step of selecting an application service for the user, comprises:

determining, for a predetermined number of occurrences of a time period, a number of times the user selected an application service during the predetermined number of the occurrences of the time period (*col. 5, ln. 1 to col. 6, ln. 67*); and

selecting the application service if the number of times the user selected the

application service during the predetermined number of the occurrences of the time

period is equal to or above a predetermined threshold (*col. 5, ln. 1 to col. 6, ln. 67*).

8.   Regarding claims 8-9 and 23, Ono et al. further disclose a method and apparatus

according to claims 6 and 21, farther comprising, for each time period, counting more

than one occurrence that the user selected the application service as only one

occurrence (*col. 6, ln. 1-67*), and wherein the selected application service is the

application service that the user accessed most frequently during the predetermined

number of occurrences of the time period (*col. 5, ln. 37-67*).

9.   Regarding claims 14 and 28, Ono et al. further disclose a method and apparatus

according to claims 1 and 16, further comprising: allowing the user to view and modify

the information representative of the user's past access to the application (*col. 8, ln. 28

to col. 9, ln. 38, if the user cancel to purchase the presented goods, the purchase

interval would be calculated and updated and the same for the case of selected goods*).

10.   Regarding claims 30-32, 37-39, 44, and 46, Ono et al. further disclose a method,

apparatus, and computer readable program code according to claims 29, 36 and 43,

wherein selecting for the user an application service based upon the pattern of usage

comprises selecting an application if a frequency with which the user invoked the

application service is above a predetermined threshold (*col. 8, ln. 49-67*), wherein the

frequency is determined by dividing a number of times that the user invoked the

application service during a predetermined number of occurrences of a time period by

the predetermined number of occurrences of the time period (*col. 5, In. 48 to col. 6, In.

67*), and wherein the time period is within a day (*figures 5 and 8, purchase day column,

each day in the column is a day period*).

11.   Regarding claims 34, 41, and 48, Ono et al. further disclose a method and

apparatus according to claims 29, 36, and 43, wherein selecting for the user an

application service based upon the pattern of usage comprises selecting an application

if a frequency the user invoked the application service is less than a first predetermined

threshold and a frequency one or more other users invoked the application service is

above a second predetermined threshold (*col. 5, In. 47 col. 6, In. 14*).

12.   Regarding claim 45, Ono et al. further disclose an article of manufacture

according to claim 43, wherein the frequency is determined by dividing a number of

times that the user invoked the application service during a predetermined time period

over one or more days by a number of the one or more days (*col. 6, In. 1-67*).

13.   Claims 50-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Linden

et al. (US Patent No. 6266649).

14.   Regarding claim 50, Linden et al. disclose a method for providing a user an

interface to a voice application, the method comprising the steps of:

provide a user with an interface to access the application and to invoke one of

a plurality of application services (*internet interface in figure 1*);

selecting an application service for the user, without the user requesting said

application service, as a function of information representative of other users' past

access to the application (*col. 5, ln. 57 to col. 6, ln. 13, "interest of the community of*

users"); and

providing the selected application service to the user (*col. 5, ln. 57 to col. 6, ln.*

13, based on the "interest of the community of users", recommendation is generated).

15.   Regarding claims 51-53, Linden et al. disclose a method according to claim 50,

wherein the information representative of the other users' past access to the application

includes an identifier associated with a service provided by the application (*col. 5, ln. 57*

to col. 6, ln. 13, item-item mapping to identify a particular item), wherein the information

representative of the user's past access to the application includes a time that the user

requested the service (*col. 7, ln. 20-39*), and wherein the information representative of

the other users' past access to the application includes a date that the other users

requested the service (*col. 7, ln. 20-39, each user has a profile*).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linden

et al. (US Patent No. 6266649) in view of Ono et al. (US Patent No. 5909023).

18.   Regarding claim 54, Linden et al. do not disclose a method according to claim

50, wherein the step of selecting an application service for the user, comprises:

determining, for a predetermined number of occurrences of a time period, a number of

times the user selected an application service during the predetermined number of the

occurrences of the time period; and selecting the application service if the number of

times the user selected the application service during the predetermined number of the

occurrences of the time period is equal to or above a predetermined threshold.

        However, Ono et al. teach the steps of determining, for a predetermined number

of occurrences of a time period, a number of times the user selected an application

service during the predetermined number of the occurrences of the time period (*col. 5,

ln. 1 to col. 6, ln. 67*); and selecting the application service if the number of times the

user selected the application service during the predetermined number of the

occurrences of the time period is equal to or above a predetermined threshold (*col. 5,

ln. 1 to col. 6, ln. 67*).

Since Linden et al. and Ono et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Linden et al. by incorporating the teaching of Ono et al. in order to improve system's accuracy in determining appropriate goods or services for the user.

19.   Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Gardenswartz et al. (US Patent No. 6298330).

20.   Regarding claims 5 and 20, Ono et al. fail to disclose a method and apparatus according to claims 1 and 16, wherein the information representative of the user's past access to the application includes a location from which the user requested the service. However, Gardenswartz et al. teach that the information representative of the user's past access to the application includes a location from which the user requested the service (*col. 5, In. 64 to col. 6, In. 7*).

Since Ono et al. and Gardenswartz et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Gardenswartz et al. in order to determine appropriate goods or services for the user.

21.   Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ono et al. (US Patent No. 5909023) in view of Walker et al. (US Patent No. 6298329).

22.   Regarding claims 7 and 22, Ono et al. fail to disclose a method and apparatus

according to claims 6 and 21, wherein selecting the application service comprises

selecting an application service if a ratio of the number of times the user selected the

application service during the predetermined number of occurrences of the time period

to the number of times the user could have selected the application service during the

predetermined number of occurrences of the time period is equal to or above a

predetermined threshold.

However, Walker et al. teach that selecting the application service comprises

selecting an application service if a ratio of the number of times the user selected the

application service during the predetermined number of occurrences of the time period

to the number of times the user could have selected the application service during the

predetermined number of occurrences of the time period is equal to or above a

predetermined threshold (*col. 9, In. 40 to col. 10, In. 38*).

Since Ono et al. and Walker et al. are analogous art because they are from the

same field of endeavors, it would have been obvious to one of ordinary skill in the art at

the time of invention to modify Ono et al. by incorporating the teaching of Walker et al.

in order to determine and provide appropriate services for the user.

23.   Claims 10-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ono et al. (US Patent No. 5909023) in view of Sahni et al. (US

Patent No. 5646986).

24.   Regarding claims 10-12 and 24-26, Ono et al. fail to disclose a method and

apparatus according to claim 6, further comprising: creating a plurality of time periods

wherein each day includes more than one time period, creating a plurality of time

periods wherein each week includes a weekday time period and a weekend time period,

and wherein creating a plurality of time periods further comprises creating a plurality of

time periods wherein each day includes more than one time period.

       However, Sahni et al. teach creating a plurality of time periods wherein each day

includes more than one time period (*col. 4, In. 53 to col. 5, In. 20*), creating a plurality of

time periods wherein each week includes a weekday time period and a weekend time

period (*col. 4, In. 53 to col. 5, In. 20*), and wherein creating a plurality of time periods

further comprises creating a plurality of time periods wherein each day includes more

than one time period (*col. 4, In. 53 to col. 5, In. 20*).

       Since Ono et al. and Sahni et al. are analogous art because they are from the

same field of endeavors, it would have been obvious to one of ordinary skill in the art at

the time of invention to modify Ono et al. by incorporating the teaching of Sahni et al. in

order to determine and provide appropriate services for the user in the future.

25.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023) in view of Fox et al. (US Patent No. 6584447).

26.   Regarding claim 13, Ono et al. fail to disclose a method and apparatus according to claim 6, further comprising: ranking each of the time periods by priority such that if a user selected a service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first.

        However Fox et al. teach ranking each of the time periods by priority such that if a user selected a service at a time within two different time periods and one of the two time periods has a higher priority, a pattern for the one of the two time periods having the greater priority is considered first (*col. 31, ln. 24 to col. 32, ln. 21*).

        Since Ono et al. and Sahni et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Sahni et al. in order to determine and provide the most appropriate service for the user.

27.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (US Patent No. 5909023), in view of Sahni et al. (US Patent No. 5646986), as applied to claim 24, and further in view of Fox et al. (US Patent No. 6584447).

28.   Regarding claim 27, the modified Ono et al. fail to disclose an apparatus

according to claim 24, wherein the server further includes: ranking each of the time

periods by priority such that if a user selected a service at a time within two different

time periods and one of the two time periods has a higher priority, a pattern for the one

of the two time periods having the greater priority is considered first.

        However Fox et al. teach ranking each of the time periods by priority such that if

a user selected a service at a time within two different time periods and one of the two

time periods has a higher priority, a pattern for the one of the two time periods having

the greater priority is considered first (*col. 31, ln. 24 to col. 32, ln. 21*).

        Since the modified Ono et al. and Fox et al. are analogous art because they are

from the same field of endeavors, it would have been obvious to one of ordinary skill in

the art at the time of invention to further modify Ono et al. by incorporating the teaching

of Fox et al. in order to determine and provide the most appropriate service for the user.

29.   Claims 35, 42, and 49 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ono et al. (US Patent No. 5909023) in view of Kepecs (US Patent

No. 6330543).

30.   Regarding claims 35, 42, and 49, Ono et al. do not disclose a method according

to claims 29, 36, and 42, wherein selecting for the user an application service based

upon the pattern of usage comprises selecting an application if a frequency the user

invoked the application service at a predetermined location cluster is above a

predetermined threshold. However, Kepecs teaches the step of selecting for the user

an application service based upon the pattern of usage comprises selecting an

application if a frequency the user invoked the application service at a predetermined

location cluster is above a predetermined threshold (*col. 13, ln. 10-29, based on the*

user's history of shopping store at a particular location cluster, discount at stores at that

particular location is presented to users).

Since Ono et al. and Kepecs are analogous art because they are from the same

field of endeavors, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify Ono et al. by incorporating the teaching of Kepecs in order to

send promotional discount advertisers to appropriate users to encourage them to

purchase goods.

31.   Claims 15, 33, 40, and 47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ono et al. (US Patent No. 5909023) in view of Loghmani et al. (US

Patent No. 6377927).

32.   Regarding claims 15, 33, 40, and 47, Ono et al. further disclose a method,

apparatus, and computer readable program code according to claims 1, 29, 36, and 43,

wherein selecting for the user an application service based upon the pattern of usage

comprises selecting an application if a frequency with which the user invoked the

application service is more than a first predetermined threshold (*col. 5, ln. 47 col. 6, ln.*

14), but fail to specifically disclose the steps of recognizing input speech, determining

speech recognition accuracy, and selecting for the user an application service based upon a determined accuracy of a speech recognition of the user is within a predetermined accuracy range. However, Loghmani et al. teach the steps of recognizing input speech, determining speech recognition accuracy, and selecting for the user an application service based upon a determined accuracy of speech recognition of the user is within a predetermined accuracy range (*col. 4, In. 38 to col. 6, In. 30, and/or refer to figure 11*).

Since Ono et al. and Loghmani et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ono et al. by incorporating the teaching of Loghamani et al. in order to avoid providing incorrect services to the user when speech recognition is incorrect.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo   October 12, 2004

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SUSAN MCFADDEN
PRIMARY EXAMINER